

REMARKS/ARGUMENTS

This Amendment is in response to the final Office Action mailed February 23, 2009. Before this Amendment, claims 1-7, 12-17 and 44-56 were pending in the application. In this Amendment, claims 1, 12, 44, and 51 have been amended, claims 14 and 53 have been canceled, and no new claims are presented. After entry of this Amendment, which is respectfully requested, claims 1-7, 12-13, 15-17, 44-52, and 54-56 will be pending. Applicants respectfully request reconsideration of the rejections.

I. CLAIM REJECTIONS UNDER 35 U.S.C. § 102

A. § 102 Rejections Based on Ginsberg (US 2003/0139997)

The Office Action rejected claims 1-3, 44-46 and 51-53 under 35 U.S.C. § 102(e) as being anticipated by Ginsberg (US 2003/0139997) (hereinafter “Ginsberg”).

In order for a claim to be anticipated, a single prior art reference must describe, either expressly or inherently, each and every element as set forth in the claim. Applicants respectfully traverse the rejections because the cited reference fails to disclose all of the claim limitations.

Claims 1 and 44. Claim 1 has been amended to recite:

storage configured to store generated allocation rules and to store transaction data associated with a plurality of transactions, each generated allocation rule being associated with at least one of a plurality of business objects, each generated allocation rule being generated by combining a first predefined rule of a node of a **hierarchical data structure** with a second predefined rule **inherited** from a parent node, the first predefined rule characterizing a member of the at least one of the plurality of business objects;

:

wherein each generated allocation rule determines if a business object is entitled to an allocation from a particular transaction.

(emphasis added). Independent claim 44 has been amended similarly. Support for the amendments is in the original application, for example in claims 12 and 14, FIG. 4, and paragraphs [0038], [0051], [0056], and [0063] of the specification.

Ginsberg fails to disclose the above limitations, for example “each generated allocation rule being generated by combining a first predetermined rule of a node of a **hierarchical data structure** with a second predefined rule **inherited** from a parent node” (emphasis added). Instead, Ginsberg discloses a commission allocation system that uses a “commission vector” that controls allocations of commissions (Ginsberg paragraph [0019]). A figure showing Ginsberg’s commission vector is reproduced below.

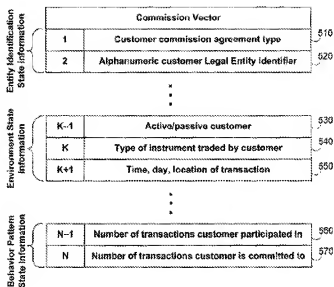


FIG. 5 of Ginsberg (US 2003/0139997)

The commission vector of Ginsberg is not part of a *hierarchical data structure* and does not *inherit* rules from a parent node. Instead, entity identification state information (which determines commission options for a trade) is entered in the vector from a customer agreement, such as an agreement for a flat rate or individual commissions (Ginsberg paragraphs [0019] and [0042]).

Applicants have searched Ginsberg and found no disclosure, teaching, or suggestion combining a rule of a node of a hierarchical data structure with a rule inherited from a parent node. Thus, the amended claims distinguish over the § 102(e) reference. For at least the reasons above, Applicants respectfully request withdrawal of the rejections based on Ginsberg of claims 1 and 44 and the claims depending therefrom.

Claim 51. The subject matter of canceled claim 53 has been incorporated into independent claim 51. Independent claim 51 recites instructions that cause a processor to:

store a **hierarchical data structure**, a first generated allocation rule associated with a first business object, a second generated allocation rule associated with a second business object, and transaction data;
track allocations of transactions represented by the transaction data and track whether the business objects are entitled to an allocation from a particular transaction; . . .
:
wherein the first generated allocation rule includes a predefined rule **inherited** from a parent node.

(emphasis added). For at least the reasons above, Applicants respectfully request withdrawal of the § 102(e) rejection based on Ginsberg of claim 51 and the claims depending therefrom.

B. § 102 Rejections Based on Krishnaswamy et al. (US 6,909,708)

Claims 12 and 14-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by Krishnaswamy et al. (US 6,909,708) (hereinafter "Krishnaswamy").

Claim 12. The subject matter of canceled claim 14 has been incorporated into independent claim 12, which now recites:

storage configured to store a hierarchical data structure, a first generated allocation rule associated with a first business object, a second generated allocation rule associated with a second business object, and transaction data;
an allocation manager configured to track allocations of transactions represented by the transaction data and **track whether the business objects are entitled to an allocation from a particular transaction**; and

:
wherein the first generated allocation rule includes a predefined rule inherited from a parent node.

(emphasis added). Support for the limitations is also in the specification, for example in paragraph [0041].

Krishnaswamy does not teach or suggest whether a business object, such as a salesman, is **entitled** to an allocation, such as a commission. Rather, Krishnaswamy is directed to a networking system which supports videoconferencing, document sharing, etc. In Krishnaswamy, logical and physical resources, such as speech recognition software or CPUs, are allocated based on availability, speed, and similar factors. Allocations in Krishnaswamy are not based on whether a user is **entitled** or otherwise legally obligated to an allocation. Thus, Krishnaswamy does not anticipate "track[ing] whether the business objects are entitled to an allocation from a particular transaction" as required by claim 12 (and claim 51). Therefore, Krishnaswamy does not anticipate the claim.

Accordingly, Applicants respectfully request withdrawal of the § 102(c) rejection based on Krishnaswamy of claim 12 and the claims depending therefrom.

II. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

The Office Action rejected claims 4-7, 47-50 and 54-56 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Ginsberg in view of Finebaum (US 2002/0156719) (hereinafter "Finebaum"). Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Krishnaswamy in view of Noser et al. (US 2003/0225660) (hereinafter "Noser").

To establish a prima facie case of obviousness, the prior art reference, or references when combined, must teach or suggest all of the claim limitations. Applicants respectfully traverse the rejections because the cited references fail to teach or suggest all of the claim limitations and/or because the references would not have been combined in the ways alluded to by the Office Action.

Finebaum and Noser (introduced below) fail to cure the deficiencies of Ginsberg. Applicants have searched Finebaum and Noser and not found any teaching or suggestion of

“combining a first predefined rule of a node of a hierarchical data structure with a second predefined rule inherited from a parent node . . . wherein each generated allocation rule determines if a business object is entitled to an allocation from a particular transaction” as recited in claims 1 and 44. Finebaum’s teachings on an Internet-based trading system for corporate/municipal bonds do not delve into the above limitations. Noser’s underlying data structures (Noser paragraphs [0045]-[0056]) are not combined in a hierarchical data structure with a rules inherited from parent nodes. Even if one were to read in a hierarchical structure of the underlying data structures in Noser, a reading which Applicants believe is improper, there is clearly no teaching or suggestion of “combining a first predefined rule . . . with a second predefined rule inherited from a parent node, the first predefined rule characterizing a member of . . . [a] business object[.]” as claimed.

Although Krishnaswamy discloses principals of object oriented programming inheritance (*see, e.g.*, Krishnaswamy col. 36, lines 8-11, col. 76, lines 31-35), one skilled in the art at the time of the invention would have no motivation to combine those teachings with Ginsberg because the two references are in different fields of endeavor. Ginsberg is directed to allocating commissions in auction-based trading of financial securities, while Krishnaswamy is directed to a networking system which supports videoconferencing, document sharing, etc. There is no motivation or suggestion in either reference to combine one field with the other to yield “generated allocation rule[s] being generated by combining a first predefined rule of a node of a hierarchical data structure with a second predefined rule inherited from a parent node . . . wherein each generated allocation rule determines if a business object is entitled to an allocation from a particular transaction” (claims 1 and 44).

For at least the above reasons, the other relied-upon references in the Office Action (*i.e.*, Finebaum, Noser, and Krishnaswamy) do not render the claims unpatentable. The references do not teach or suggest all of the claimed limitations and/or the references would not have been combined by one skilled in the art. Applicants therefore respectfully request withdrawal of the § 103 rejections of the claims and all claims depending therefrom.

Although all the claims are distinguished from Ginsberg, Krishnaswamy, Finebaum, and Noser for at least the reasons above by their dependence from the independent claims, Applicant would like to point out limitations in select dependent claims below which further distinguish those claims from the relied-upon references. These limitations are by no means the only distinguishing or salient limitations of the claims; they are highlighted merely for the convenience of the Examiner.

Claims 6 and 49. Claims 6 and 49, which depend from claims 1 and 44, respectively, recite:

wherein a member of the plurality of transactions is **over-allocated** after a first attempt at allocation.

(emphasis added). As acknowledged by the Office Action, Ginsberg does not disclose this limitation. However, the Office Action avers that the limitation is disclosed in paragraph [0275] of Finebaum. Applicants respectfully disagree.

The cited paragraph does not disclose, teach, or suggest a transaction which is “over-allocated” after a first attempt at allocation. Instead, the cited paragraph lists allocations that are “fully allocated, partially allocated, or unallocated.” None of these allocations suggest over-allocations. Moreover, Applicants have searched all of Finebaum and found no mention of over-allocations of transactions.

For at least the reasons above, along with the reasons articulated for the claims upon which these claims depend, Applicants respectfully request reconsideration and withdrawal of the rejections.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 10/691,941
Amdt. dated March 24, 2009
Reply to Office Action of February 23, 2009

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Mathison', with a long horizontal flourish extending to the right.

Mark Mathison
Reg. No. 57,556

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 925-472-5000
Fax: 415-576-0300
MPM:sea
61852004 v1